

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SANDRA K. JOHNSTON, Ph. D. and  
PAUL M. NIGL,

Plaintiffs,  
v.

CATHY JESS, et al.

Defendants.

ORDER

Case No. 18-cv-882-bbc

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Plaintiffs Sandra K. Johnston and Paul M. Nigl, a prisoner in the custody of the Wisconsin Department of Corrections, have submitted a proposed civil action under 42 U.S.C. § 1983 but have not paid the filing fees or requested leave to proceed without prepayment. For this case to proceed, each plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 29, 2018.

Because plaintiff Nigl is a prisoner, the motion for leave to proceed without prepayment of the filing fee by plaintiff Nigl must be accompanied by a certified copy of plaintiff Nigl's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff Nigl is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff Nigl will be required to pay the balance of the filing fee in installments.

## ORDER

IT IS ORDERED that plaintiffs Sandra K. Johnston and Paul M. Nigl may have until November 29, 2018 to each submit the \$400 filing fee or a motion for leave to proceed without prepayment of the filing fee. Plaintiff Nigl must also submit a trust fund account statement for the period beginning approximately April 26, 2018 and ending approximately October 26, 2018 if he files a motion for leave to proceed without prepayment. If, by November 29, 2018, either plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw from this action voluntarily.

Entered this 8<sup>th</sup> day of November, 2018.

BY THE COURT:

/s/

PETER OPPENEER  
Magistrate Judge

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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\_\_\_\_\_  
Full name of plaintiff(s) or petitioner(s)

Case No. \_\_\_\_\_  
(Provided by the clerk of court)

v.

\_\_\_\_\_  
Full name of defendant(s) or respondent(s)

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**PETITION AND AFFIDAVIT TO PROCEED  
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

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I, \_\_\_\_\_, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

**I. Personal Information**

1) Are you currently incarcerated?                      Yes                      No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

\_\_\_\_\_  
(place)

\_\_\_\_\_  
(number)

(b) Are you employed at the institution?                      Yes                      No

(c) Do you receive any payment from the institution?                      Yes                      No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

If "Yes," is your spouse employed?      Yes      No

Yes No

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided Per Month</u>
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*(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)*

Provide the name of your employer(s): \_\_\_\_\_

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
	\$ _____

**III. Expenses** - If you are married and/or have dependents, ***your expenses should also include your household's expenses.***

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

Rent or Mortgage \$ \_\_\_\_\_

Car payment(s) \$ \_\_\_\_\_

Alimony and/or court-ordered child support \$ \_\_\_\_\_

Credit card payment(s) \$ \_\_\_\_\_

2) Do you have any other monthly expenses that you have not already identified?

Yes No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

3) What is the total amount of your monthly expenses? \$ \_\_\_\_\_

**IV. Property** - If you are married, your answers must ***include your spouse's property.***

1 ) Do you own a car? Yes No If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your residence(s)? Yes No

If "Yes," state the approximate value(s). \$ \_\_\_\_\_

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ \_\_\_\_\_

#### IV. Property - continued

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques?                      Yes                      No

If “Yes,” identify the property and approximate value(s).

PropertyApproximate Value

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\$\_\_\_\_\_

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\$\_\_\_\_\_

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\$\_\_\_\_\_

4) Do you have any cash or checking, savings, or other similar accounts? Yes  
No

If "Yes," state the total amount of such sums. \$ \_\_\_\_\_

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?

Yes                      No

If "Yes," state the nature of that property and approximate value(s).

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**V. Other Circumstances** - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

Date \_\_\_\_\_

**Signature - Signed Under Penalty of Perjury**